

Fiscal Note

Fiscal Services Division



HF 777 – Open Records and Public Meetings (LSB 2139HV)
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Fiscal Note Version – As amended by S-5046

Description

House File 777, as amended by S-5046 (Senate State Government Committee amendment) creates the Iowa Public Information Board that will provide an enforcement alternative for complaint proceedings for open meeting and public record laws under Chapters 21 and 22 of the Code. The Bill provides that the Board will have five members appointed by the Governor by September 2010, may hire the staff necessary to execute its authority, and is required to report on its goals, performance measures, and job descriptions to the General Assembly and the Governor by July 1, 2011. The Board may not begin hiring employees until FY 2012. The Bill makes implementation of the new Board contingent on receipt of funding sufficient to cover the initial per diem and travel expenses of the Board. Except for certain provisions related to the transition and beginning for the Board, the Bill takes effect July 1, 2011.

Background

Currently, complaints relating to the open meetings and public records laws are handled by different agencies in the State. The Office of Citizens' Aide/Ombudsman handles many of these cases. In addition, some cases are handled by the Attorney General's Office, as well as internally by local entities.

Assumptions

This analysis assumes the following regarding staffing and support costs for the Board:

- The Board will begin with either 5 or 6 FTE positions; both are shown for estimating purposes. These initial FTEs will include one Executive Director that will be the Legal Counsel for the Board and one attorney who will handle the judicial proceedings including mediation and hearings rather than hiring or contracting with outside administrative law judges, and assist in public awareness and training efforts.
- The scenarios assume there will be 2 - 3 paralegal/investigators that will provide research, informal resolution tactics such as phone calls and letters between the agency designated in the complaint and the complainant, and help with public awareness and training efforts, among other things. For estimating purposes, this level position was assumed to be at or close to entry-level salaries for comparable work. Finally, the office would have one administrative support position.
- Support costs include one-time setup costs including charges for Iowa Communication Network (ICN) setup and office equipment and furniture for an estimated total of \$99,000 and ongoing costs of \$38,000 - \$39,000 per year. It is assumed that the Board staff would be conservative with travel and training costs and make efforts to reduce printing, paper, and supply costs, as well as use technology such as conference calls to reduce meeting costs.
- Based on the disposition of cases in a similar agency in Connecticut and input from the Office of Citizens' Aide/Ombudsman, it is assumed the new Board will receive approximately 300 to 350 cases. Of the total cases, approximately 39.4% may go through mediation, 31.6% may go to hearing, and of those having hearings, potentially 16.2% may have violations found.

Fiscal Impact

The new Board will need to receive funding for FY 2011 for initial per diem and travel-related expenses only, estimated to be between \$2,000 and \$4,000 for the year, depending on the number of meetings and distance traveled. The funding is not specified in the Bill and could come from third-party grants. Without the initial funding, the Board will not be implemented.

Assuming the initial funding is received, the following is a breakdown of estimated first year operating costs for a staff of either 5 or 6 FTE positions and one-time setup costs for an office that size. The Board may not hire its staff until July 1, 2011, so operational funding needs would be for FY 2012 and beyond and would be from the State General Fund. The one-time set up costs of office equipment and furniture may be eligible for infrastructure funding rather than being General Fund expenditures.

	Staff 5 FTEs	Staff 6 FTEs
Salaries/Benefits	\$ 333,500	\$ 380,625
Office space	13,200	13,200
Travel expenses, Board per diem, Training	9,500	9,500
Administrative, supplies, and technology costs	15,480	16,080
Total Ongoing Operating Costs	\$ 371,680	\$ 419,405
FTEs estimated	5	6
One time setup new office charges - ICN	3,980	3,980
One time setup new office furniture and equipment	95,000	95,000
Total One Time Setup Costs	\$ 98,980	\$ 98,980
Total for 1st Full Fiscal Year of Funding (FY 2012)	\$ 470,660	\$ 518,385

The Office of the Attorney General (AG)

The AG advises that if the cases go through the AG Office for judicial review, the expectation is that the fiscal impact will be approximately \$23,725 - \$47,450 for 0.25 to 0.50 of an FTE position for an assistant attorney general to handle the work. The proposed Board has the option to use the AG's office or to represent itself in judicial proceedings.

Local Governments

Estimated costs for local governments to handle representation of its agencies under the new enforcement mechanism are unknown.

Sources

Office of Citizens' Aide/Ombudsman
Department of Administrative Services
Iowa Ethics and Campaign Disclosure Board
Other Various Agencies

/s/ Holly M. Lyons

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
